

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Yucaipa Mobilehome Residents' Association ("YMRA"), a California nonprofit corporation, by Len Tyler, President of YMRA, as representative of the residents of Knollwood Mobilehome Park; Edna Jenkins, a represented member of YMRA, an individual and resident of Knollwood Mobilehome Park; and Nancy L. Carlisle, a represented member of YMRA, an individual and resident of Knollwood Mobilehome Park,

Complainants,

vs.

Knollwood Mobilehome Estates, Ltd., a California partnership, doing business as Knollwood Mobilehome Estates,

Defendant.

Case 01-06-008
(Filed June 4, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING
OPPORTUNITY TO REPLY TO COMPLAINANTS' RESPONSE**

A misunderstanding appears to have developed in the schedule of pleadings in this matter.

In Decision (D.) 03-08-077, the Commission concluded that complainants in this case had proved that allocation of trenching costs associated with submetered gas and electric utility system improvements is required by Pub. Util. Code § 739.5. It reversed D.03-01-063 on that issue and remanded

D.03-01-063 for further proceedings (1) to determine the proper allocation of trenching costs and (2) to remove those trenching costs attributable to the gas and electric improvements from the \$111,445 passed on to mobilehome park residents as part of a rent increase.

In an Administrative Law Judge (ALJ) Ruling dated September 5, 2003, defendant Knollwood Mobilehome Estates, Ltd., was directed within 45 days to file and serve a pleading, with supporting declarations as necessary, either agreeing with an equal sharing of trenching costs among the three utilities or showing why an alternative allocation of trenching costs is appropriate.

Complainants Yucaipa Mobilehome Residents' Association, et al., were directed within 45 days of receipt of defendant's pleading to respond to that pleading, with supporting declarations as necessary.

On October 20, 2003, defendant filed its response, along with supplemental declarations of Richard J. McCann (McCann) and Brian Alex (Alex). Also on October 20, 2003, defendant and the Western Manufactured Housing Community Association filed a motion to consolidate this complaint case with an ongoing investigation (Order Instituting Investigation (OII) 03-03-017 and Order Instituting Rulemaking (OIR) 03-03-018) dealing with submeter discounts and allocation of costs under line extension rules.

Because lead counsel for complainants at about this time became seriously ill and withdrew from the case, complainants requested and were granted a number of extensions of time to obtain substitute counsel and to respond to defendant's response and to the motion to consolidate.

On January 30, 2004, complainants filed their reply to the response of defendant, the declaration of Richard Riddell, and objections to the declarations

of McCann and Alex. Complainants' reply also opposed the motion to consolidate.

In a covering letter accompanying complainants' pleadings, counsel for complainants states his agreement with counsel for defendant that defendant will have until March 1, 2004, to reply to complainants' pleadings. This additional response by defendant was not contemplated in the ALJ Ruling dated September 5, 2003. However, in view of the courtesies that each side has granted to the other in this rehearing process, this ruling formally grants to defendant the right to reply to complainants' pleadings on or before March 1, 2004.

I intend to prepare a proposed decision for Commission consideration of this rehearing matter soon after defendant's filings on March 1, 2004. That proposed decision also would address the motion to consolidate.

Counsel for the parties suggest the possibility of an informal telephone conference between the parties and myself. The date of this telephone conference is uncertain. If the parties continue to feel that an informal telephone conference can be useful, complainants are instructed to arrange the conference for a time and date convenient to all parties either prior to March 1, 2004 or after March 15, 2004. I will not be available during the period March 1-15, 2004.

Nothing in this ruling precludes settlement of this matter between the parties.

IT IS RULED that:

1. Defendant Knollwood Mobilehome Estates, Ltd., on or before March 1, 2004, may file and serve a reply to the pleadings of complainants Yucaipa Mobilehome Residents' Association, et al., that are dated January 30, 2004.

2. If the parties decide that an informal telephone conference can be useful, complainants are instructed to arrange the conference for a time and date

convenient to all parties and to the Administrative Law Judge either prior to March 1, 2004 or after March 15, 2004.

Dated February 4, 2004, at San Francisco, California.

/s/ GLEN WALKER
Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Opportunity to Reply to Complainants' Response on all parties of record in this proceeding or their attorneys of record.

Dated February 4, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

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